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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,550	03/19/2004	Ching-Fong Su	073338.0149 (03-52018 FLA	7434

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EXAMINER	
TRAN, PHUC H	

ART UNIT	PAPER NUMBER
2416	

NOTIFICATION DATE	DELIVERY MODE
03/05/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/804,550	SU ET AL.	
	Examiner	Art Unit	
	PHUC H. TRAN	2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 January 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-54* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *53 and 54* is/are allowed.

6)☒ Claim(s) *1-6,9,10,13-19,26-32,35,36,39-45,48,49 and 52* is/are rejected.

7)☒ Claim(s) *7,8,11,12,20-25,33,34,37,38,46,47,50 and 51* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 9-10, 13-19, 26-32, 35-36, 39-45, 48,49, and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Olshansky et al. (U.S. Patent No. 5418785).

- With respect to claim 1, 14, 27 and 40, Olshansky teaches an optical node comprising a data interface operable to receive data for transmission to a destination node (e.g. Fig. 3 with RX and TX); a buffer operable to store the data (e.g. buffer in Fig. 7); a transmitting unit operable to couple to an optical transmission medium having a plurality of data channels and to selectively transmit optical signals on the data channels (e.g. block 722 in Fig. 7); and a controller operable to receive a token authorizing transmission on one of the data channels (e.g. the control manager 710 in Fig. 7), to generate a transmission control message identifying the destination node and the authorized data channel (e.g. the first node places an address of a second node and the selected channel), to communicate the transmission control message for receipt by the destination node, to transmit the data on the authorized data channel using the transmitting unit after communicating the transmission control message, and to communicate the token to a next node (see col. 2, lines 59-63).

- With respect to claims 2, 15, 28, and 41, Olshansky also teaches wherein the controller is further operable to determine timing information associated with

transmission of the data, to identify the timing information in the transmission control message, and to transmit the data in accordance with the timing information (e.g. col. 3, lines 5-25 discloses the nodes determines the time in the TDM for transmission data on channel).

- With respect to claims 3, 16, 29, and 42, Olshansky discloses wherein the controller is further operable to communicate the token to the next node before transmission of the data on the authorized data channel (e.g. the controller 710 using the token to communicate with second node as in Fig. 2 to synchronize with second node, therefore it communicates before transmission of the data).

- With respect to claims 4, 17, 30 and 43, Olshansky teaches wherein the controller is further operable to determine whether to delay communicating the token and to communicate the token to the next node after a delay in response to determining to delay communicating the token (col. 4, lines 35-38; col. 2, lines 59-65).

- With respect to claims 5, 18, 25, 31 and 44, Olshansky discloses wherein the transmitting unit includes a tunable laser, and the controller is further operable to tune the laser to transmit first optical signals associated with the data on the authorized data channel (see col. 6, lines 45-48; col. 7, lines 22-25 and Fig. 3).

- With respect to claims 6, 19, 32 and 45, Olshansky teaches wherein the buffer maintains a plurality of queues, each queue associated with one of a plurality of remote nodes, and wherein the buffer is operable to store the data in a selected one of the queues that is associated with the destination node (e.g. fig. 4, blocks 425,430,445,450,455).

- With respect to claims 9, 35, and 48, Olshansky teaches wherein the transmission control message further identifies a size of the data (col. 7, lines 31-35).

- With respect to claims 10, 23, 36 and 49, Olshansky further comprises a control interface operable to couple to a control channel, the control interface operable to receive the token on the control channel, to transmit the token on the control channel, and to communicate the transmission control message on the control channel (e.g. the node manager in Fig. 7; the token control in Fig. 2 that transmit on control channel).

- With respect to claims 13, 26, 39, and 52, Olshansky teaches wherein the controller is further operable to store passing data in the buffer and to retransmit the passing data using the transmitting unit upon detection of an error (col. 5, lines 37-40; col. 9, lines 50-51).

Allowable Subject Matter

3. Claims 53-54 are allowed.

4. Claims 7-8, 11-12, 20-25, 33-34, 37-38, 46-47, and 50-51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571)272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHI PHAM can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PHUC H TRAN/
Examiner, Art Unit 2416